

Exhibit K

Plaintiff's Inquiry: Fight or Settle



Jury Trial vs. Pretrial Settlement . Case No:3:25-cv-01885-VC

From L P <lhkc_25@outlook.com>

Date Fri 4/4/2025 5:00 PM

To Kimberly.Pallen@withersworldwide.com <Kimberly.Pallen@withersworldwide.com>;
barbara.lodovice@withersworldwide.com <barbara.lodovice@withersworldwide.com>;
vahe.mesropyan@withersworldwide.com <vahe.mesropyan@withersworldwide.com>

Cc L P <lhkc_25@outlook.com>

2 attachments (746 KB)

Early Disposition Clarification Request.pdf, cm-110.pdf;

Dear Counsel for Defendants,

Enclosed please find Plaintiff's formal letter regarding the position on jury trial versus pretrial settlement, along with a copy of California Judicial Council Form CM-110.

Plaintiff's choice to utilize this form is **not intended to impose state court procedural rules upon Defendant**, but rather reflects the form's **visualized and structured question-and-response framework**, which serves as a practical tool to facilitate initial communication and clarification of positions between the parties.

This format (CM-110) is conducive to clearly expressing each party's views regarding the case's disputed issues, procedural direction, and potential resolution, and will also support the orderly progression of case management efforts. Accordingly, Plaintiff respectfully requests that Defendant complete the relevant portions of the form to assist in this structured exchange.

Please respond via email **no later than seven (7) days from the date of this letter (i.e., by April 11, 2025)**. As stated in the attached correspondence, Plaintiff will determine subsequent procedural steps based on Defendant's response.

Sincerely,
Lianlian Porth / PRO SE

Date: 04/04/2025

Email: lhkc_25@outlook.com

Phone: 408-381-9986

Subject: Request for Defendant's Position on Jury Trial vs. Pretrial Settlement

Subheading: Completion of Judicial Council Form CM-110 Requested (Informational Purpose)

Case No.: 3:25-cv-01885-VC

Dear Counsel for Defendants,

Plaintiff fully respects the mechanism of jury adjudication and reserves the right to invoke it at the appropriate stage. At this point, however, Plaintiff's primary focus is to obtain a clear and unequivocal statement of Defendant's position regarding the ultimate procedural resolution of this matter.

Accordingly, Plaintiff hereby requests that Defendant select **one** of the following two options and respond via email within seven (7) days:


1. Confirm whether Defendant agrees to proceed to a jury trial;
2. If Defendant prefers to pursue a pretrial settlement, please provide a preliminary settlement^{*} proposal that clearly addresses the following elements:
 - A. **Scope of resolution** (including liability acknowledgment, compensation structure, and institutional or structural commitments): Please specify whether Defendant intends to resolve the matter solely on financial terms, or is also willing to address behavioral responsibility, systemic misconduct, and internal procedural failures.
 - B. **Structural commitments or compensation mechanism design**: Indicate the proposed form of resolution—e.g., lump-sum payment or staged disbursement; whether a dedicated fund or compensation account will be established; and whether specific individual compensation for Plaintiff's harm is included.
 - C. **Compensation framework or valuation model** (including preliminary monetary range and logic): Provide an indicative compensation range and explain the underlying basis (e.g., emotional distress, direct and indirect economic losses, or Defendant's systemic failures).
 - D. **Expected timeline and procedural roadmap** (including method of engagement and role designation): State when Defendant intends to initiate settlement discussions, what communication format is proposed (e.g., written exchange, teleconference, formal session, or third-party involvement), and expected time to reach a preliminary conclusion. Please also designate a specific point of contact or authorized representative.

Please be advised: Plaintiff will not accept any exploratory posture, vague commentary, speculative delay, or strategic ambiguity. Should Defendant fail to clearly and substantively address each of the items outlined above, Plaintiff will deem the submission to be a formalistic response rather than good-faith engagement, and will interpret such failure as de facto consent to jury trial adjudication.

In accordance with Rule 1 of the Federal Rules of Civil Procedure, which mandates the just, speedy, and inexpensive determination of every action, failure to respond by the stated deadline will be construed as substantive agreement to proceed with a jury trial.

Sincerely,

Lianlian Porth

Signature: 
Date: 04/04/2025

Email: lhkc_25@outlook.com

Phone: 408-381-9986

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

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4. b. Provide a brief statement of the case, including any damages (if personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings; if equitable relief is sought, describe the nature of the relief):

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☐ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

a. ☐ The trial has been set for (date):

b. ☐ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one)

a. ☐ days (specify number):

b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☐ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. Email address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 of the California Rules of Court for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☐ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

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10. c. In the table below, indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- ☐ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☐ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

Party

Description

Date

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

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17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$35,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed *(if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):*

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference *(specify):*

19. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court *(if not, explain):*
- b. ☐ After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following *(specify):*

20. Total number of pages attached *(if any)*: _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date:

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.